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Notice of Allowability

Application No.

09/708,944

Examiner

Romain Jeanty

Applicant(s)

DVORAK, ROBERT E.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/6/06.
2. ☐ The allowed claim(s) is/are 1, 3-13, 16-23, 25-33, 65, 67-85, and 112-115.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

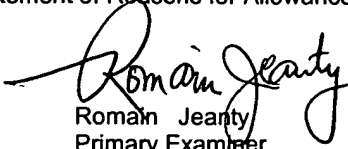
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Romain Jeanty
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claim 1

Line 25, after location, insert --using at least the identified promotions from the retail location promotions calendar--.

Claim 25

Line 15, after out, insert --by evaluation the historical sales data and the stock on hand--.

Claim 26

Line 1, delete "~~wherein the adjusting to correct for the stock out includes evaluating the historical data and the stock on hand indicator and correcting~~", and insert --whereby the adjusting corrects --.

Claim 27

Line 1, delete "~~wherein the adjusting to correct for the stock out includes evaluating the historical data and the stock on hand indicator and filing~~", and insert --whereby the adjusting fills --.

Claim 28

Line 1, delete "~~wherein the adjusting to correct for the stock out includes evaluating the historical data and the stock on hand indicator and correcting~~", and insert --whereby the adjusting corrects --.

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Claim 29

Line 1, delete “wherein the adjusting to correct for the stock out includes evaluating the historical sales data and the stock on hand indicator for the locations and filling”, and insert --whereby the adjusting fills--.

Claim 65

Line 20, after calendar, insert --, using the at least one adjusted or unadjusted location specific-retail selling profile and the retail location promotions calendar--.

Line 21, delete “~~automatically adjusted historical data~~”, and insert --projected future sales profile--.

Claim 76

Line 14, after profiles, insert -- using at least the planning data from the retail location promotions calendar--.

Claim 76

Line 15, after share, insert --using at least the planning data from the retail location promotions calendar--.

Authorization for this examiner's amendment was given in a telephone interview with Ernest L. Beffel (Reg. No. 43,489) on April 17, 2006.

Allowable Subject Matter

2. Claims 1, 3-13, 16-23, 25-33, 65, 67-85, and 112-115 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The closest prior art (Huang et al, U.S. Patent No. 5,953,707) teaches generating forecast for new products and managing product transitions, facilitating development of medium-term top-down and bottom-up sales forecasts for an enterprise. Huang et al does not teach automatically adjusting the historical data in a retail location-product specific selling profile to reflect an estimated systematic variation in sales caused by the promotions of the product at the retail location, using at least the identified promotions from the retail location promotions calendar, taken alone or in combination with a computer-implemented method for adjusting a retail location-product specific profile for a product as recited in independent claim 1.

The closest prior art (Huang et al, U.S. Patent No. 5,953,707) teaches generating forecast for new products and managing product transitions, facilitating development of medium-term top-down and bottom-up sales forecasts for an enterprise. Huang et al does not teach automatically adjusting the retail location-product specific selling profile to correct for a stock out by evaluating the historical sales data and the stock on hand indicator, taken alone or in combination with a computer-implemented method for adjusting a retail location-product specific profile for a product as recited in independent claim 25.

The closest prior art (Huang et al, U.S. Patent No. 5,953,707) teaches generating forecast for new products and managing product transitions, facilitating development of medium-term top-down and bottom-up sales forecasts for an enterprise. Huang et al does not teach projecting adjusting the location specific selling profile to reflect sales lift from one or more promotions planned for the product and entered in the retail location promotions calendar, using the at least one adjusted or unadjusted location specific retail selling profile and the retail location promotions, taken alone or in combination with a computer-implemented method for generating

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a projection location specific-retail sales profile for a particular product as recited in independent claim 65.

The closest prior art (Huang et al, U.S. Patent No. 5,953,707) teaches generating forecast for new products and managing product transitions, facilitating development of medium-term top-down and bottom-up sales forecasts for an enterprise. Huang et al does not teach automatically adjusting the projected sales profiles using at least the planning data from the retail location promotions calendar to reflect sales lift from one or more promotions planned, by retail location, for the particular product and entered in the retail location promotions calendar, taken alone or in combination with a computer-implemented method for revising a plurality of retail location distribution shares for a particular adjusting a retail location-product specific profile for a product as recited in independent claim 76.

The closest prior art (Huang et al, U.S. Patent No. 5,953,707) teaches generating forecast for new products and managing product transitions, facilitating development of medium-term top-down and bottom-up sales forecasts for an enterprise. Huang et al does not teach automatically adjusting the retail location distribution shares using at least the planning data from the retail location promotions calendar to reflect a weighted mix of the projected daily or more frequent sales profiles and an actual daily or more frequent sales, taken alone or in combination with a computer-implemented method of revising a plurality of location distribution shares for a particular product, taking into account planned promotions of the particular product as recited in independent claim 80.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Melchione et al (WO 9715023) discloses an electronic sales and service support system for assisting service and identifying sales target.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

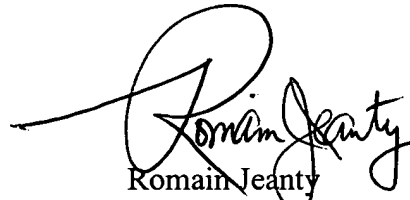
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

April 17, 2006



Romain Jeanty
Primary Examiner
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